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Forney, Matthias Nace

The overcrowding of street cars

[New York]

[1902?]

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THE OVERCROWDING OF STREET CARS.

The overcrowding of cars is a subject of never-ending complaint wherever there are street railroads. The evil, if not essential to that system of travel, is, at any rate, coextensive with it, In the words of a humorist it may be asked "why is this thus"? The answer is obvious. It costs the railroad companies less to carry passengers if some of them are compelled to stand up than it would if all are provided with seats. Thus, suppose that within a certain interval of time two cars are run over a road, and that in each of them one-third of the number of passengers carried must stand. To enable all to sit down it would be necessary to run one additional car in that interval. To do this the company must incur the extra cost of a driver or motorman, a conductor, a car, interest on its cost, additional power which will be required, whether it be horses or electricity, and some more expense for repairs of car and track. Naturally—or, perhaps, it should be said human naturally—the railroad companies

are averse to doing this, because it would diminish their profits and lessen their dividends, and it is probably quite within the limits of exact truth to say that no street railroad company has ever voluntarily furnished all the passengers carried, and who pay full fare, with seats; and it is also safe to assume that no such railroad company ever will furnish enough seats excepting under the compulsion of law.

The aggrieved party in this case is the public, consisting of people who, with truth and justice, may say to the railroad companies: "We, the people, are the owners of the street and are your creators. You exist by our consent and only by our consent. We have, it is true, given you the privilege of occupying the streets, but with the expressed or implied condition that you are to transport passengers with reasonable celerity and comfort. We have the power to regulate fares and to compel you to provide passengers with reasonable accommodations and carry them with decency, and we mean to exercise that right."

The following report* of some late decisions will be of interest in this connection:

"The Supreme Court of Illinois recently sustained the rights of the Chicago City Council to

*From *The Public* of November 15, 1902.

compel street car companies to give transfers over the whole length of their lines. It also decided that the City Council may regulate fares in its own discretion, the only limitation being that it shall not make them so low as to amount to confiscation.

"To the same effect is the decision of the Supreme Court of Iowa in the case of the Cedar Rapids Water Company. The most important feature of both decisions is the point that the courts, while they prevent confiscation, will not guarantee profits on watered stock. A quotation from the conclusion of the opinion in the Iowa case shows the significance of this judicial reaction:

"'The court cannot undertake to guarantee the company any fixed or certain returns upon its investment. The exercise of such a power would work an utter destruction of the legislative right to regulate rates of water companies and other corporations operating works of public utility. We think the decisions have already gone to the verge of safety in nullifying legislative acts of this character—and to go farther and say that the courts will not only preserve property from confiscation and destruction by legislative power, but will also assure to its owners a definite and fixed rate of profit upon their investment, would be an act of judicial usurpation.'"

It is the purpose of this little dissertation to consider how the legislative power could be exercised so as to greatly lessen, if not entirely prevent, the overcrowding of street cars, and do it with entire justice to the railroad companies and to their passengers.

During the last (1902) session of the New York Legislature, a bill was introduced which provided that "every passenger in a street railroad car shall be entitled to a seat, and that no fare shall be demanded or collected of a passenger who has not been provided with a seat."

It could have been predicted, from the beginning, that such a bill would not be enacted into a law, not only because of the difficulty of securing any legislation to protect the rights of the public if the privileges of any of the great corporations are thereby curtailed, but for the stronger reason that the stipulations of the bill would have been unjust to the railroad companies if enforced through legislation.

That there should be some legislation compelling street railroad companies to provide more cars and more seats need not be argued. That cars are now terribly overcrowded anyone who rides much, or even little in them, may know. The question is how can this be prevented without doing injustice to either the passengers or the companies?

The bill referred to, besides providing that passengers who have no seats shall be carried free, contemplated imposing a fine of from $100 to $500 on any street railway company which fails to run a sufficient number of cars to provide seats for its patrons. This it is thought would be unjust to the companies on great public occasions, or when events occur to cause delays, such as fires or blockades in the streets—which are now so common in New York—and which cannot be foreseen. There are times when if it is not impossible, it is, at least, impracticable to provide all who want to ride with seats. But this is no sufficient excuse for the horrible discomfort and indecency which is daily and hourly imposed on a large portion of the people who must travel in our street cars, which are crowded as no dealer in cattle or pigs would mass them for transportation in stock cars. We are now compelled to breathe the same air others have expired, are exposed to the contagion of diseases with which some are affected; and expose our toes and our corns to the boot heels of our neighbors. If a father or husband or brother found men, under other cir-

cumstances, in the same personal propinquity to his wife, his daughter or sister, that they are often, through the avarice of railroad companies, obliged to occupy to strangers in street cars, he—if righteously strenuous or strenuously righteous—would, and should, administer personal chastisement to such offenders. At present all women who travel in street cars are liable to be exposed to such indignity. Rev. Father Ducey said recently in a letter to one of the New York papers:*

"I consider the present conditions of transportation in New York a violation of all things modest and decent, and I think every time a man or woman submits to this brutal crowding, all moral rights are trampled upon. These are not casual opinions. I have often thought vigorous action was imperative."

It has often been proposed that the companies should be prohibited—as they are said to be in Paris—from taking on more passengers than can be seated. It seems certain, though, that the American public would not tolerate such a restriction. A person in a hurry to catch a train, or keep an appointment, or in any other case of urgency, would rather stand than wait, and if a

The Press of December 6, 1902.

law was adopted prohibiting railroad conductors from taking on more passengers than can be seated, public opposition and clamor would surely soon make it a dead letter or secure its repeal.

On the other hand, if a person prefers to ride and stand rather than wait or walk, it does not seem just in the one case to require the railroad company to carry him or her for nothing, as the bill referred to above appears to contemplate, or, make passengers pay full fare, as they must now, although not provided with reasonable accommodations.

Evidently, though a ride without a seat is not worth as much as it is with one, it is equally true that most people would prefer to pay something to be carried standing rather than be made to wait or not be carried at all. The inference may then be drawn that for a standing journey it would be entirely just and fair that a passenger should pay and the company charge something, but not as much as is charged and paid if he or she has a seat. Therefore, it is thought that if the principle of "*a seat on demand or half fare*" was embodied in a law it would be entirely just to both passengers and to the railroad companies.

But, it will be said, there are no half cents in

circulation now, so that it would be impossible to bisect the present fare of 5 cents. Besides, on the elevated railroads in New York and elsewhere, fares are paid before passengers get on board the cars, and until they do it is impossible to know whether they can get seats or not.

These difficulties could be met by requiring all passengers to pay full fare, and then compelling the companies' conductors or guards to give draw-back or half-fare checks on the demand of those who have no seats. There would be no more difficulty in doing this than there is now in giving transfer tickets for intersecting roads. Two such checks should be receivable thereafter for a full fare and one for a half fare.

But it may be said if all the seats were occupied and an entering passenger should receive a draw-back check, and at the next street someone should get out and leave a vacant seat, what would be done in such a case? The reply to this is that in conducting public enterprises the administration of absolute and exact justice is impossible. It is—or should be—the duty of the railroad companies to supply seats when they are wanted, and not a block or a mile beyond where they are needed. To attempt to be entirely fair to both parties in such cases would lead to end-

less disputes; besides, the injustice to the companies on such occasion would be very slight.

They ought to take the chances of passengers getting a casual advantage if enough seats are not supplied when they are wanted. If they are not so provided the reduction in fare should be regarded as a penalty for the non-fulfillment of an obligation.

To meet this difficulty it has also been suggested that if a passenger has received a draw-back check, and a seat becomes vacant thereafter, that it should be optional with him or her to take the seat or not, but that if they choose to occupy it, he or she must surrender the check. This might result in many disputes; besides, it would be very difficult for conductors to collect checks under such circumstances. The most practicable plan seems to be to embody in a law the broad principle of "*a seat on demand or half fare*," and let each party to the agreement take their chances thereafter.

It will be idle and mere pretense for the railroad companies to plead that they cannot afford to carry standing passengers for half fare. The volume of traffic, especially in our large cities, is increasing annually at a very rapid rate, and it is an established principle of railroad operation that

the relative cost of transportation diminishes as the volume of traffic increases.

Not long ago it was announced publicly that the change from steam to electric power on the New York elevated railroads would result in a saving to the company of $1,000,000 annually, and the last report of that company shows an increase of a considerably greater amount in the net earnings for the year. From the best authority it has been learned that the cost of carrying passengers on the surface railroads of New York, when horses were used for motive power, was 3¾ cents per passenger, whereas now, with electricity, it is only 2½ cents. That is, it costs the great railroad companies much less to carry passengers to-day than it did when horses were used. If good dividends could be declared when horses supplied the power, what are the profits now?

During the recent dispute over street railroads in Cleveland and Chicago, Hon. Tom L. Johnson, Mayor of Cleveland, who has built, operated and owned street railroads, in an interview published in the *Chicago American* of March 2, is reported to have said: "Three-cent fare in Chicago will yield 20 per cent. on the actual cost of reproducing the Chicago properties, and if the city itself operated these lines it would more

than pay the interest and expense of such operation on *two-cent* fare, including universal transfers. * * * Three-cent fare in Chicago to-day is better than five-cent fare there ten years ago. * * * As far as I can see, Chicago's case is no different from that of Cleveland. * * * If it were not for the combined timidity and greed of capital, low fares and free transfers would have been universally recognized as an economic and profitable proposition long ago."

There can be little doubt that if all the railroads were removed from the streets of New York—especially in the Borough of Manhattan—that there would be no difficulty in getting responsible parties to take the various franchises and build and equip roads with the condition that they should carry passengers for three cents and universal transfers, and that if their capital account represented the actual cost, and not more than the actual cost, that they could earn very reasonable dividends at that rate of fare.

That those who build and operate street railroads should get a fair return for the capital honestly expended in their construction and improvement is, of course, conceded, but that they are entitled to any return on fictitious capital, or an excessive rate of interest on their investment, is denied.

But when any reform is proposed there are always persons who anticipate difficulties in making the change suggested. Such a chronic objector "thought" that if the principle of "half fare or a seat on demand" was legalized, that some penurious or frugal minded people would wait for full cars so that they could ride for half price. Supposing they did, what harm would result? As a consequence, the following car would be more likely to have vacant seats for those of us who like to sit down, and whose knee joints have not the same stability which they had twenty or thirty or more years ago; and if such persons did get seats they would then be less likely to be annoyed by others standing adjacent thereto. If many persons should prefer to ride standing, and pay half fare rather than have a seat at full fare, there is no apparent good reason why the companies should not run *some* cars *without* any seats, and charge half fare for all who ride in them. Such cars could be distinctly differentiated from the others by painting them another color, or by suitable signs, and be provided with longitudinal hand rails extending along the sides and through the middle of the car for passengers to hold on to. Such rails, if made of metal, could be kept clean, whereas the straps now in use are not. The half-fare cars could be

patronized by those who are disposed to be economical and who are strong and therefore willing to ride without sitting down for the sake of saving half their fare.

Such a saving would be a real benefaction to thousands of poor people. Its effect would be to increase the wealth—or rather diminish the poverty—ten per cent. of persons who earn only, say, fifty cents a day—and there are thousands of them—who must ride daily to and from their work. The toiler for a dollar a day would be five per cent. richer, and those who work for two dollars a day would save two and a half cents for each dollar earned. If there were no seats in cars, nearly or quite double as many passengers could be carried in them, so that the cost of transportation in this way would be very greatly reduced. As a large proportion of those who travel in street cars must now stand up, there would be a distinct benefit in such an arrangement for the standers, because in cars without seats they would be no more uncomfortable than they often are now, and the fare would be one-half less.

There is a class of philosophers and economists who contend that it is a great deal better for the public good for things to be dear than that they

should be cheap, but, quite curiously, most people want only those things which they sell to be dear, and those they buy they want to get at the lowest possible price: It would be difficult, though, to show how the office boys, the shop girls, the laboring men and the impecunious generally would be injured by a reduction of street railroad fare, or how increasing it, or even maintaining it at its present rate, is a benefit to them.

But it is said the companies are now running as many cars as they can. As a general statement this is open to the objection of not being true. If it was granted that in the most crowded lines as many cars are run during the busiest hours as is possible—and even this hypothesis should be qualified—it will follow as an inference that on those lines which are not the *most* crowded *not* as many cars are run as could be, if it was to the interest of the companies to increase their number. For example, more cars are run on Broadway, in New York, than on Sixth avenue, and there is no apparent reason why they could not be run as close together, and make as good or better speed on that avenue as they do on Broadway. The crowding of the cars at certain hours is very great on both lines. More trains are run on the Third Avenue Elevated line than on Sixth, and it is hard to see the difficulty of doing on the one road what is now done on the other. Besides, on Sundays and at night and at some hours in the middle of the day when there is less traffic and fewer cars, they are often overcrowded, showing that there is no attempt to supply enough cars even when there is no difficulty in doing so. In fact, it is plain that as soon as cars are not crowded some are withdrawn; that is, fewer are run to reduce expenses.

Human nature is so constituted that it requires an effective motive to induce action of almost any kind. The companies who control our street railroads share this characteristic with the rest of mankind. But, apparently, there are only two motives which are effective with them; these are legal compulsion and profit. Make it to their pecuniary interest to run more cars by prohibiting them from collecting more than half fare unless passengers *are provided with seats on demand*, and they will soon find ways of doing it.

But the railroad companies, or rather their representatives, say " we are carrying passengers five or ten miles for five cents and give transfer tickets for the convenience of the public. Our cars are good and the speed is much greater

than it was with horses for motive power. It is true we crowd the people at times uncomfortably and indecently, but we do it all for five cents—what more could be desired?"

This is a favorite form of argument of monopolists. The Standard Oil Company says, in effect, "we are selling better and cheaper oil than the public has ever been supplied with before. This we can do because of the improvements which have been made in manufacture and the economies that are effected in the cost of production." But no one has ever answered, or can answer, the question how good or how cheap oil would be to-day if this company had never secured the monopoly it now has. The curious fact has developed that many of these beneficent (?) companies can and do sell their products cheaper to foreigners than they do to their fellow citizens. This is surely not a case of charity beginning at home.

What is contended for here is that at present the street railroad companies in New York and other large cities are not furnishing reasonable or decent accommodations to many of the people who ride on them; that these companies can afford to give such accommodations and that they should be compelled by a legal enactment

and the imposition of adequate penalties to do so or, if they do not, then charge less fare.

Even if the plea that it is impossible to run a sufficient number of cars to supply seats to all who ride in them was conceded—although it is not—it would still remain true that a ride without a seat is not worth as much as it is with one. When we are compelled to stand up while riding, the consideration rendered for the fare is not an equivalent of that for which it is paid. The company is then not giving full value for the money it receives. It might be said to the railroad companies, "if you can't run more cars it is your misfortune, but that is no reason for collecting more fare than you are entitled to," and it does not in any way increase the value or lessen the discomfort of a stand-up ride. As has already been said, make it to the interest of those companies to run more cars, and they will soon find a way of doing it.

In view of the rapidly growing sentiment in favor of the State ownership of public utilities, it is surprising that the street railroad companies do not see that it would be to their own interest, and possibly even essential to their future existence, that the evils complained of should be abated, and that more reasonable accommoda-

tion for those who travel in their cars should be provided. That sentiment is growing at an astonishing rate, and unless the corporations who now own the street railroads deal more justly and liberally with the public it will soon be impossible to prevent it from being put into effect.

The practical measure which is here advocated is that a law should be formulated embodying the general principle of "*a seat on demand or half fare.*" Such a law should provide that each passenger shall pay full fare on or before entering any street car in the State of New York; and that if in demanding a seat of the conductor, guard or other agent of the company none is provided, the said conductor, guard or agent shall deliver to the passenger making such demand a draw-back check which shall be receivable by the company for a half-fare at any time or place.

Such a law ought to be introduced in the next Legislature of the State of New York. In the meanwhile petitions should be prepared for its enactment; these to be circulated and signed by as many people as possible. If the ladies in New York, who have recently been agitating this subject, should do this, there ought to be no difficulty in getting a million or more signatures of

women to such petitions, and a great many thousands of those of "mere men" who would favor the enactment of such a measure.

It will be of the utmost importance that a law of that kind should be framed with the greatest care by competent and experienced legislators and lawyers, because it will be sure to be attacked in every possible way by the railroad corporations, and it will only be by bringing an overwhelming weight of public opinion in its favor that it could be enacted by our Legislature.

Of course, suitable penalties for its violation and easy methods for its enforcement should be provided. With such a law on our statute books it is safe to predict that the present abhorrent overcrowding of cars would soon be abated, but even if it was not, the fact of being obliged to pay only half fare would be a slight alleviation for the discomforts and indignities from which we now all suffer.

M. N. FORNEY.

No. 501 FIFTH AVENUE,
NEW YORK, December 8th, 1902.

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